

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2046.03
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	June 26, 2003
DATE OF REPORT:	July 11, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	August 5, 2003

COMPLAINT ISSUES:

Whether the Vincennes Community School Corporation and the Knox County Special Education Cooperative violated:

511 IAC 7-23-1 by disclosing personally identifiable information about a student with a disability without parental consent, specifically permitting individuals, other than school personnel, to be present during the student's case conference committee meeting on May 19, 2003, without first obtaining the parent's consent.

FINDINGS OF FACT:

1. The student (Student A) is seven years old and is eligible for special education and related services due to a severe mental disability and a communication disorder.
2. On May 19, 2003, the case conference committee (CCC) for Student A met at Student A's school, in the teachers' workroom/lunchroom (the Teachers' Room).
3. The Teachers' Room is an open area, located below the stage in the lower level of the school building. The only access to the Teachers' Room is an enclosed staircase. There is a door at the top of the stairs, on the upper level. When individuals descend the staircase, their view of the Teachers' Room is blocked until a landing just above the last step. There are no doors or hallways separating the Teachers' Room from the staircase. As a result, when individuals reach the landing and the last step, the entire Teachers' Room and the people within it are visible.
4. The CCC for a different student (Student B) was scheduled to meet after Student A's CCC meeting. Student A's CCC meeting had not concluded when Student B and Student B's family, accompanied by school personnel, descended the staircase and entered the Teachers' Room.
5. It is undisputed that Student B's family could see the Student A's parent and the others who were participating in the Student A's CCC meeting. Student A's CCC was still discussing Student A's individualized education program and had not reached agreement on all goals and services. It is undisputed that Student B's family could have overheard some of the discussion.
6. Student A's parent was not asked to consent to, and did not consent to, disclosure of information to Student B's family.

7. The local director of special education has decided that from now on, whenever a CCC is in session in the Teachers' Room, a "Conference in Session – Do Not Enter" sign will be posted on the door at the top of the staircase.

CONCLUSIONS:

1. Under the circumstances described in Findings of Fact #2, #3, and #4, Findings of Fact #5 and #6 indicate that personally identifiable information about Student A was disclosed to Student B's family, without the consent of a parent of Student A. Therefore, a violation of 511 IAC 7-23-1 occurred. However, Finding of Fact #7 indicates that appropriate corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.